

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PAUL J. McNALLY, as he is TRUSTEE,
MASSACHUSETTS LABORERS' HEALTH AND
WELFARE FUND and NEW ENGLAND LABORERS'
TRAINING TRUST FUND; JAMES MERLONI, JR.,
as he is TRUSTEE, MASSACHUSETTS LABORERS'
PENSION FUND and MASSACHUSETTS LEGAL
SERVICES FUND; MARTIN F. WALSH, as he is
TRUSTEE, MASSACHUSETTS LABORERS'
ANNUITY FUND,

Plaintiffs

vs.

BOSTON CHAIN LINK FENCE ERECTORS, INC.,
Defendant

and

FLEET BANK,
Trustee

C.A. No. 02-11479 NG

AFFIDAVIT OF ELIZABETH A. SLOANE

1. My name is Elizabeth A. Sloane. I am an attorney with the law firm of Segal, Roitman & Coleman.
2. This firm has been involved in efforts to collect contributions owed to the Massachusetts Laborers' Benefit Funds ("Funds") since on or about May 31, 2002.
3. The Funds obtained a judgment against Boston Chain Link Fence Erectors on April 16, 2003 in the amount of \$47,262.41, for employee benefit contributions due before April 2002. A copy of the judgment is attached to the Complaint in this case as Exhibit A.

4. I obtained true copies of the articles of incorporation of Boston Chain Link Fence Erectors and Boston Fence & Supply, Inc. directly from the Commonwealth of Massachusetts Secretary of State's Office in Boston, Massachusetts. Those copies are Exhibits B and C to the Complaint in this action.

5. On information and belief, Boston Chain Link Fence and Boston Fence & Supply were located at 128 Newbury Street, Peabody, Massachusetts in 2003, and Boston Fence was still at that location in May 2005 when the Complaint was served.

6. On information and belief, Boston Chain Link Fence is no longer operating as a business, but has not dissolved its corporate status.

7. The information contained in this Affidavit is upon my own knowledge and information received by me, which I believe to be true.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 12TH DAY OF SEPTEMBER 2005.

/s/ Elizabeth A. Sloane
Elizabeth A. Sloane, Esquire

CERTIFICATE OF SERVICE

This is to certify that a copy of the above Affidavit of Elizabeth A. Sloane has been served by certified and first class mail upon Boston Fence & Supply, Inc. and Boston Chain Link Fence Erectors at 128 Newbury Street, West Peabody, MA 01960 this 13th day of September, 2005

/s/ Elizabeth A. Sloane
Elizabeth A. Sloane